

Anno Regni Regis G E O R G I J, Secundi, Decimo Testio.

S 1768  
36.

Unnecessary Cost in Courts prevented.

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## Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay in New-England*, Begun and Held at *Boston*, upon Wednesday the Thirtieth Day of *May 1739*. And continued by Prorogations to Wednesday the Twelfth Day of *March* following. (1740)

### C H A P. XIII.

#### An Act to prevent unnecessary Cost being allowed to Parties and Witnesses, in the several Courts of Justice, within this Province.

WHEREAS oftentimes there are several Plaintiffs or Defendants, in one and the same Action, brought either to the Superior Court or the Inferior Courts Preamble of Common Pleas, within the respective Counties, and in Taxing the Bills of Cost arising on said Actions; all the Plaintiffs or Defendants mentioned in the Writ so brought are allowed for their Attendance, although it frequently happens that only one of the Plaintiffs or Defendants do actually attend, and sometimes neither of them; and inasmuch as an Allowance has been sometimes made for Witnesses not Summoned, or when Summoned for much longer time than such Witnesses have actually attended the Court: By which means Bills of Costs are exorbitantly enhanced:

For Prevention whereof for the future,

Be it enacted by his Excellency the Gouvernour, Council and Representatives in General Court assembled, and by the Authority of the same, from and after the Publication of this Act, neither the Justices of the Superior Court nor the Justices of the Inferior Court of Common Pleas, Counties within this Province, shall in Taxing any Bills of Cost to be allowed for Attendance of more than one Person as Plaintiff or Defendant, where there are more Plaintiffs and Defendants than one in any Suit appear by themselves or by their Attorney or Attorneys (except

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## Monatiquot River.

(except where the Defendants plead severally) and in case of the actual Attendance of either Plaintiff or Defendant, they shall be allowed in the Bill of Cost for no longer Time than they make evident to the Court the number of Miles of their Travel, and Time of their Attendance as aforesaid.

**And be it further enacted by the Authority aforesaid,**

**Allowance for Attendance in filing Complaints.** That no Person filing a Complaint in the Superior Court, or Inferior Court respectively for the Affirmation of a former Judgment, shall be allowed at any time more than Three Days Attendance in the Bills of Costs, to be Taxed by said Courts.

**Allowance for Attendance of Witnesses.** **And be it further enacted by the Authority aforesaid,**

That no Witness giving his or her Deposition in any Case (who shall not be Served with a *Sub-Pæna*) shall be allowed in the Bill of Cost any more than One Days Attendance; nor shall any Witness Summoned to appear be allowed for more Days than such Witness shall actually attend, and make it evident to the Court where the Action shall be commenced by their certifying on the *Sub-Pæna*, the number of Miles of their Travel, and time that he or she has actually attended.

**Continuance:** This Act to continue and be in Force for the Space of Five Years from the Publication thereof and no longer.

## C H A P. XIV.

### An Act to prevent any Persons obstructing the Fish in their passing up into Monatiquot River, within the Town of Brantree.

**Preamble.**

WHEREAS the Fish which formerly pass'd up the River Monatiquot, in great abundance, are now almost entirely diverted from said River, by reason of ill minded Persons drawing Seines and Drag-Nets, at the Mouth of said River, to the great prejudice of the adjacent Towns.

For prevention whereof,

**Be it enacted by his Excellency the Gouvernour, Council and Representatives in General Court assembled, and by the Authority of the same,**

**No Seines or Drag-Nets to be used in Monatiquot River, on Penalty.** That no Person or Persons whatsoever from and after the Publication of this Act, shall presume to take, kill, or hale ashore any Fish with Seines or Drag-Nets, in the said River Monatiquot, or in any part of the River within the Town of Weymouth, through which they pass into the same, upon Pain of forfeiting for each and every Offence on due Conviction thereof, the Sum of Thirty Pounds, to be Recovered by Action, Bill, Plaintiff, or Information in any of His Majesty's Courts of Record, proper to try the same; the one half of the said Forfeitures to be to and for the Use of the Towns of Weymouth and Brantree, in equal proportion, the other half to him or them who shall Inform and Sue for the same.

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**Continuance**

This Act to continue and be in Force from the Publication thereof, for the space of Five Years; and from thence to the End of the then next Session of the General Court and no longer.

[The Two foregoing Acts were publish'd March 2. 1740.]

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GOUVERNOUR and COUNCIL. 1740.

